

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

TOMAS LOPEZ MENEWEATHER,

Plaintiff,

vs.

B. POWELL, et al.,

Defendants.

Case No: C 07-4204 SBA

**ORDER DENYING EX PARTE
APPLICATION FOR AN ORDER
SHORTENING TIME, AND
DIRECTING SUBMISSION OF
DECLARATION FOR IN CAMERA
REVIEW**

Dkt. 116, 117

This is a prisoner civil rights action under 42 U.S.C. § 1983 in which the Court previously appointed the law firm of Sheppard, Mullin, Richter & Hampton (“SMRH”) to represent Plaintiff in this action. SMRH has now filed a motion to withdraw as counsel of record. Dkt. 116. More specifically, SMRH states that in the course of investigating Plaintiff’s claims, it has uncovered a “serious” issue which precludes it from continuing to represent Plaintiff in a manner consistent with the California Rules of Professional Conduct. Dkt. 116. SMRH has accompanied its motion with an ex parte application to hear the motion on shortened time. Dkt. 117.

SMRH has indicated that it will provide more information regarding the basis of its request to withdraw at an *in camera* hearing. To expedite resolution of the motion, however, the Court instead directs SMRH to submit an under seal declaration which specifies the factual basis of the firm’s request to withdraw. The Court will review the declaration *in camera*. Accordingly,

IT IS HEREBY ORDERED THAT:

1. By no later than **May 22, 2012**, SMRH shall file a declaration **under seal** for *in camera* review by the Court. The declaration shall provide the factual basis of SMRH’s motion to withdraw as counsel of record.

1 2. SMRH's ex parte application for an order shortening time is DENIED
2 without prejudice. In accordance with Civil Local Rule 7-1(b), the Court will resolve the
3 motion without a hearing following its review of SMRH's in camera submission. If a
4 hearing is required, the Court will schedule a hearing date forthwith.

5 3. This Order terminates Docket 117.

6 IT IS SO ORDERED.

7 Dated: May 14, 2012


SAUNDRA BROWN ARMSTRONG
United States District Judge